

pendents of a member, may not exceed the cost of Government-procured commercial air travel between the applicable locations described in subsection (b) of this section” for “The cost of transportation authorized under this section may not exceed the cost of Government-procured commercial air travel from the member’s place of temporary duty (or from his ship or unit) to the member’s permanent duty station (or the home port of the ship or unit), and return (if applicable)”.

Subsec. (d). Pub. L. 98-525 added subsec. (d).

#### EFFECTIVE DATE OF 1984 AMENDMENT

Section 612(b) of Pub. L. 98-525 provided that: “The amendment made by subsection (a)(1) [amending this section] shall apply with respect to transportation begun after September 30, 1984.”

#### **§ 481e. Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty**

(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service who is performing temporary duty away from his permanent duty station (or who is assigned to a ship or unit operating away from its home port) may be provided the travel and transportation authorized by section 474 of this title for travel performed by the member from his place of temporary duty (or from his ship or unit) to his permanent duty station (or the home port of the ship or unit) or to any other location, and return (if applicable), if such travel has been approved incident to a personal emergency of the member.

(b) Transportation under this section may be authorized only upon a determination that Government transportation is not reasonably available, considering the nature of the personal emergency involved. The cost of transportation authorized under this section may not exceed the cost of Government-procured commercial air travel from the member’s place of temporary duty (or from his ship or unit) to the member’s permanent duty station (or the home port of the ship or unit), and return (if applicable).

(c) No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.

(Added Pub. L. 97-60, title I, § 126(a), Oct. 14, 1981, 95 Stat. 1004, § 411e; amended Pub. L. 100-456, div. A, title VI, § 623(a), Sept. 29, 1988, 102 Stat. 1984; renumbered § 481e and amended Pub. L. 112-81, div. A, title VI, § 631(d)(2), (e)(19), (f)(4)(A), Dec. 31, 2011, 125 Stat. 1460, 1463, 1465.)

#### CODIFICATION

Section 631(f)(4)(A) of Pub. L. 112-81, which directed that this title be amended by conforming any references to sections of this title which were transferred and redesignated by “subsection (c)” of section 631, was executed by conforming the references to those sections as transferred and redesignated by subsection (d) of section 631, to reflect the probable intent of Congress.

#### AMENDMENTS

2011—Pub. L. 112-81, § 631(d)(2), renumbered section 411e of this title as this section.

Subsec. (a). Pub. L. 112-81, § 631(f)(4)(A), substituted “474” for “404”. See Codification note above.

Subsec. (c). Pub. L. 112-81, § 631(e)(19), added subsec. (c).

1988—Subsec. (a). Pub. L. 100-456 substituted “incident to a personal emergency of the member” for “incident to the serious illness or injury or the death of a dependent of the member”.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Section 623(b) of Pub. L. 100-456 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to travel performed after September 30, 1988.”

#### **§ 481f. Travel and transportation allowances: transportation for survivors of deceased member to attend member’s burial ceremonies; transportation for survivors of member dying overseas to attend transfer ceremonies**

(a) ALLOWANCES AUTHORIZED.—(1) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty or inactive duty in order that the eligible relatives may attend the burial ceremony of the deceased member at the location determined under subsection (a)(8) of section 1482 of title 10 or attend a memorial service for the deceased member, under circumstances covered by subsection (d) of such section.

(2) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel of eligible relatives to only one memorial service for the deceased member concerned.

(3) The Secretary concerned may also provide round trip travel and transportation allowances to an attendant who accompanies an eligible relative provided travel and transportation allowances under paragraph (1) for travel to the burial ceremony if the Secretary concerned determines that—

(A) the accompanied eligible relative is unable to travel unattended because of age, physical condition, or other justifiable reason; and

(B) there is no other eligible relative of the deceased member traveling to the burial ceremony who is eligible for travel and transportation allowances under paragraph (1) and is qualified to serve as the attendant.

(b) LIMITATION ON AMOUNT.—Allowances for travel under subsection (a) may not exceed the rates for two days and the time necessary for such travel.

(c) ELIGIBLE RELATIVES.—(1) The following members of the family of a deceased member of the uniformed services are eligible for the travel and transportation allowances under paragraphs (1) and (2) of subsection (a):

(A) The surviving spouse (including a remarried surviving spouse) of the deceased member.

(B) The child or children of the deceased member (including stepchildren, adopted children, and illegitimate children).

(C) The parent or parents of the deceased member (as defined in section 401(b)(2) of this title).

(D) The sibling or siblings of the deceased member.

(E) The person who directs the disposition of the remains of the deceased member under section 1482(c) of title 10 or, in the case of a deceased member whose remains are commingled and buried in a common grave in a national cemetery, the person who would have been designated under such section to direct the disposition of the remains if individual identification had been made.

(2) If no person described in subparagraphs (A) through (D) of paragraph (1) is provided travel and transportation allowances under paragraph (1) or (2) of subsection (a), the travel and transportation allowances may be provided to one or two other persons who are closely related to the deceased member and are selected by the person referred to in paragraph (1)(E). A person provided travel and transportation allowances under this paragraph is in addition to the person referred to in paragraph (1)(E).

(d) EXPANDED ALLOWANCES RELATED TO RECOVERY OF REMAINS FROM VIETNAM CONFLICT.—(1) The Secretary of Defense may provide round trip travel and transportation allowances for the family of a deceased member of the armed forces who died while classified as a prisoner of war or as missing in action during the Vietnam conflict and whose remains are returned to the United States in order that the family members may attend the burial ceremony of the deceased member.

(2) The allowances under paragraph (1) shall include round trip transportation from the places of residence of such family members to the burial ceremony and such living expenses and other allowances as the Secretary of Defense considers appropriate.

(3) For purposes of paragraph (1), eligible family members of the deceased member of the armed forces include the following:

(A) The surviving spouse (including a remarried surviving spouse) of the deceased member.

(B) The child or children, including children described in section 401(b)(1) of this title, of the deceased member.

(C) The parent or parents of the deceased member (as defined in section 401(b)(2) of this title).

(D) If no person described in subparagraph (A), (B), or (C) is provided travel and transportation allowances under paragraph (1), any brothers, sisters, halfbrothers, halvesisters, stepbrothers, and stepsisters of the deceased member.

(e) TRANSPORTATION TO TRANSFER CEREMONIES OF MEMBERS OF THE ARMED FORCES WHO DIE OVERSEAS.—(1) The Secretary of the military department concerned may provide round trip transportation to ceremonies for the transfer of a member of the armed forces who dies while located or serving overseas to the following:

(A) The primary next of kin of the member.

(B) Two family members (other than primary next of kin) of the member.

(C) One or more additional family members of the member, at the discretion of the Secretary.

(2)(A) For purposes of this subsection, the primary next of kin of a member of the armed forces shall be the eligible relatives of the member specified in subparagraphs (A) through (D) of subsection (c)(1).

(B) The Secretaries of the military departments shall prescribe in regulations the family members of a member of the armed forces who shall constitute family members for purposes of subparagraphs (B) and (C) of paragraph (1). The Secretary of Defense shall ensure that such regulations are uniform across the military departments.

(3) Transportation shall be provided under this subsection by means of Invitational Travel Authorizations.

(4) The Secretary of a military department may, upon the request of the primary next of kin covered by paragraph (1)(A) and at the discretion of the Secretary, provide for the accompaniment of such next of kin in travel under this subsection by a casualty assistance officer or family liaison officer of the military department who shall act as an escort in such accompaniment.

(f) BURIAL CEREMONY DEFINED.—In this section, the term “burial ceremony” includes the following:

(1) An interment of casketed or cremated remains.

(2) A placement of cremated remains in a columbarium.

(3) A memorial service for which reimbursement is authorized under section 1482(d)(2) of title 10.

(4) A burial of commingled remains that cannot be individually identified in a common grave in a national cemetery.

(g) REGULATIONS.—The Secretaries concerned shall prescribe uniform regulations to carry out this section.

(h) TERMINATION.—No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.

(Added Pub. L. 99-145, title VI, § 620(a)(1), Nov. 8, 1985, 99 Stat. 642, § 411f; amended Pub. L. 100-456, div. A, title VI, § 632(b), Sept. 29, 1988, 102 Stat. 1986; Pub. L. 103-35, title II, § 204(a)(2), May 31, 1993, 107 Stat. 102; Pub. L. 107-107, div. A, title VI, § 638(a), Dec. 28, 2001, 115 Stat. 1146; Pub. L. 108-375, div. A, title VI, § 631, Oct. 28, 2004, 118 Stat. 1956; Pub. L. 110-181, div. A, title VI, § 632, Jan. 28, 2008, 122 Stat. 154; Pub. L. 111-84, div. A, title V, § 542(b)(1), (2)(A), title VI, § 631, Oct. 28, 2009, 123 Stat. 2299, 2300, 2359; renumbered § 481f and amended Pub. L. 112-81, div. A, title VI, § 631(d)(2), (e)(20), Dec. 31, 2011, 125 Stat. 1460, 1463.)

#### AMENDMENTS

2011—Pub. L. 112-81, § 631(d)(2), renumbered section 411f of this title as this section.

Subsec. (h). Pub. L. 112-81, § 631(e)(20), added subsec. (h).

2009—Pub. L. 111-84, § 542(b)(2)(A), substituted “member’s burial ceremonies; transportation for survivors of member dying overseas to attend transfer ceremonies” for “the member’s burial ceremonies” in section catchline.

Subsec. (a)(2), (3). Pub. L. 111-84, § 631(a), added par. (2) and redesignated former par. (2) as (3).

Subsec. (c). Pub. L. 111-84, § 631(b), in introductory provisions of par. (1), substituted “paragraphs (1) and (2) of subsection (a)” for “subsection (a)(1)” and, in par. (2), substituted “paragraph (1) or (2) of subsection (a)” for “subsection (a)(1)”.

Subsecs. (e) to (g). Pub. L. 111-84, § 542(b)(1), added subsec. (e) and redesignated former subsecs. (e) and (f) as (f) and (g), respectively.

2008—Subsec. (c)(1)(B). Pub. L. 110-181, § 632(a)(1), added subpar. (B) and struck out former subpar. (B) which read as follows: “The unmarried child or children of the deceased member referred to in section 401(a)(2) of this title.”

Subsec. (c)(1)(D), (E). Pub. L. 110-181, § 632(a)(2), added subpars. (D) and (E).

Subsec. (c)(2). Pub. L. 110-181, § 632(b), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “If no person described in paragraph (1) is provided travel and transportation allowances under subsection (a)(1), the travel and transportation allowances may be provided to—

“(A) the person who directs the disposition of the remains of the deceased member under section 1482(c) of title 10, or, in the case of a deceased member whose remains are commingled and buried in a common grave in a national cemetery, the person who would have been designated under such section to direct the disposition of the remains if individual identification had been made; and

“(B) up to two additional persons closely related to the deceased member who are selected by the person referred to in subparagraph (A).”

2004—Subsec. (a)(1). Pub. L. 108-375, § 631(a), inserted before period at end “at the location determined under subsection (a)(8) of section 1482 of title 10 or attend a memorial service for the deceased member, under circumstances covered by subsection (d) of such section”.

Subsec. (b). Pub. L. 108-375, § 631(b), amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows:

“(1) Except as provided in paragraphs (2) and (3), allowances under subsection (a) are limited to travel and transportation to a location in the United States, Puerto Rico, and the possessions of the United States and may not exceed the rates for two days and the time necessary for such travel.

“(2) If a deceased member was ordered or called to active duty from a place outside the United States, Puerto Rico, or the possessions of the United States, the allowances authorized under subsection (a) may be provided to and from such place and may not exceed the rates for two days and the time necessary for such travel.

“(3) If a deceased member is interred in a cemetery maintained by the American Battle Monuments Commission, the travel and transportation allowances authorized under subsection (a) may be provided to and from such cemetery and may not exceed the rates for two days and the time necessary for such travel.”

Subsec. (c)(1)(C). Pub. L. 108-375, § 631(c), substituted “The” for “If no person described in subparagraph (A) or (B) is provided travel and transportation allowances under subsection (a)(1), the”.

2001—Pub. L. 107-107 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows:

“(a) Under uniform regulations prescribed by the Secretaries concerned, round trip travel and transportation allowances may be provided the dependents of a member who dies while on active duty or inactive duty

in order that such dependents may attend the burial ceremonies of the deceased member.

“(b)(1) Except as provided in paragraph (2), allowances under this section are limited to travel and transportation to a location in the United States, Puerto Rico, and the possessions of the United States and may not exceed the rates for 2 days.

“(2) If a deceased member was ordered or called to active duty from a place outside the United States, Puerto Rico, or the possessions of the United States, the allowances authorized under this section may be provided to and from such place and may be extended to accommodate the time necessary for such travel.

“(c) In this section, the term ‘dependents’ includes the dependents specified in paragraphs (1) and (2) of section 401(a) of this title. However, if no person qualifies under such paragraphs, the parents of a member (including stepparent or parent by adoption, or any person, including a former stepparent, who has stood in loco parentis to the member at any time for a continuous period of at least 5 years before the member became 21 years of age) may be paid the travel and transportation allowances authorized under this section.”

1993—Subsec. (c). Pub. L. 103-35 substituted “section 401(a) of this title” for “section 401 of this title”.

1988—Subsec. (a). Pub. L. 100-456 substituted “or inactive duty in order that such dependents may” for “for a period of 30 days or more in order to”.

#### EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-84, div. A, title V, § 542(c), Oct. 28, 2009, 123 Stat. 2300, provided that: “This section [amending this section and enacting provisions set out as a note under section 1482 of Title 10, Armed Forces] and the amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act [Oct. 28, 2009].”

#### EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title VI, § 638(c), Dec. 28, 2001, 115 Stat. 1148, as amended by Pub. L. 112-81, div. A, title VI, § 631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465, provided that: “Section 481f of title 37, United States Code, as amended by subsection (a), shall apply with respect to burial ceremonies of deceased members of the uniformed services that occur on or after the date of the enactment of this Act [Dec. 28, 2001].”

[Amendment by Pub. L. 112-81 to section 638(c) of Pub. L. 107-107, set out above, was executed to reflect the probable intent of Congress, notwithstanding an error in the directory language.]

#### EFFECTIVE DATE OF 1988 AMENDMENT

Section 632(c) of Pub. L. 100-456 provided that: “The amendments made by this section [amending this section and section 411h of this title] shall take effect on October 1, 1988.”

#### EFFECTIVE DATE

Section 620(b) of Pub. L. 99-145 provided that: “The travel and transportation allowance authorized by the amendments made by this section [enacting this section] is payable only for travel that commences after September 30, 1985.”

### § 481h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury

(a) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1) Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (c) may be provided for not more than three individuals who, with respect to a member described in paragraph (2), are designated individuals for that member